

H.A

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,699	NOGUCHI ET AL.	
	Examiner Wassem H. Hamdan	Art Unit 2854	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Response to Election of species filed on 07/12/05 and telephone interview on 07/25/05.
2.  The allowed claim(s) is/are 1,2 and 4-7.
3.  The drawings filed on 31 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All      b)  Some\*      c)  None      of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 07/31/2003
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election in an amendment filed on 07/12/05, of Species A of Figs. 5-7 claimed in claims 1-7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is still deemed proper and is therefore made FINAL.
  
2. This application is in condition for allowance except for the presence of claims 8-11 non-elected Species. Accordingly, claims 8-11 have been cancelled.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Miss Ellen Marcie Emas (registration No. 32,131) on 07/25/2005.

The application has been amended as follows:

a. Claims:

- i. Claim 1, -- wherein the tone setting unit sets the tone based on the ratio of the number of ON pixels to the total number of pixels in the data group; -- has been inserted between lines 6 and 7.
- ii. Claim 3, has been cancelled;
- iii. Claim 4, line 1, "3" has been replaced with 1; and
- iv. Claims 8-11 have been cancelled.

b. Drawings: The following changes to the drawings have been approved by the examiner and agreed upon by applicant: on the second page wherein Figs. 2, 3 and 4 are "SHEET 1 of 5" will be replaced with -- SHEET 2 of 5 --.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

*Allowable Subject Matter*

2. Claims 1, 2 and 4-7 are allowable.

*Examiner's Statement Of Reason For Allowance*

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of records do not teach all the combined components / elements for an image forming apparatus that receives image data and forms an image based on the image data, including wherein the pulse width modulation unit performs exposure of each

pixel for output image based on the pulse width in accordance with the tone set by the tone setting unit and the intra-group position in accordance with the position attribute set by the position attribute setting unit and wherein the tone setting unit sets the tone based on the ratio of the number of ON pixels to the total number of pixels in the data group.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of records does not teach all the combined elements / components and as discussed above in the "examiner's statement of reasons for allowance".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H. Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wasseem H. Hamdan

July 25, 2005



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854